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**Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**

**Universal periodic review**

# Operations of the Voluntary Trust Fund for Participation in the Universal Periodic Review

**Report of the Office of the United Nations High Commissioner for Human Rights**

GE.18-06664(E)

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# I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 16/22 and decision 17/119, in which the Council requested the secretariat to provide an annual written update on the operations of the Voluntary Trust Fund for Participation in the Universal Periodic Review and on the resources available to it. As indicated in the previous update report (A/HRC/35/17), in an effort to consolidate information related to the universal periodic review, and on the basis of Council decision 17/119, the secretariat aligned the timing of submission of the reports on the activities supported through the two universal periodic review trust funds, namely, the Voluntary Trust Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. Consequently, as from 2015, both annual reports are submitted to the Council at its June session. The present report provides an overview of contributions and expenditures, together with a description of activities funded since the previous report until 31 December 2017.

2. Participation of Member States in the review process has been universal ever since the launch of the mechanism, demonstrating strong commitment to and acceptance of the mechanism as a critical tool of the Human Rights Council and States Members of the United Nations. This was highlighted during the annual high-level panel discussion on human rights mainstreaming, held on 26 February 2018 during the thirty-seventh session of the Council, pursuant to its resolution 16/21, which had as its theme "The promotion and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities".

3. The support provided through the Voluntary Trust Fund for Participation in the Universal Periodic Review remains instrumental, allowing delegations to be present and to contribute to an interactive dialogue that is universal, independent, impartial and non-politicized, with recommendations that are constructive, specific, action-oriented and implementable, taking into account national capacities. Trust Fund-supported participation also contributes to raising delegations' awareness of the need for close coordination of implementation efforts at the national level, through national mechanisms for reporting and follow-up. This need primarily stems from the fact that substantive issues raised in the universal periodic reviews often mirror the recommendations of other human rights mechanisms and complement the 2030 Agenda for Sustainable Development, as also highlighted during the annual high-level panel discussion.

# II. Financial situation of the Fund

4. Table 1 shows the detailed financial situation of the Fund as at 31 December 2017 (statement of income and expenditure).

Table 1

**Statement of income and expenditure for the period 1 January–31 December 2017**

(United States dollars)

| | |
|---|---|
| *Income* | |
| Voluntary contributions received in 2017 | 58 441.41 |
| Gain/loss on exchange | 1 596.67 |
| Interest and miscellaneous income | 10 551.00 |
| **Total income** | **70 589.08** |
| *Expenditure* | |
| Staff costs | – |
| Other personnel costs (consultants' fees and travel) | – |
| Staff travel | – |
| Travel of representatives/participants to meetings and seminars | 55 912.27 |

| | |
|---|---|
| Contractual services | – |
| General operating and other direct costs | 11.97 |
| Equipment, vehicles and furniture | – |
| Grants (<US$50,000) and fellowships | – |
| Programme support (indirect) costs | 768.54 |
| **Total expenditure** | **56 692.78** |
| **Adjustments to prior year expenditure (liquidation of commitments)** | **50 067.99** |
| **Net excess (shortfall) of income over expenditure for the period** | **63 964.29** |
| **Opening balance on 1 January 2017** | **1 138 475.59** |
| **Other adjustments (prior period)** | – |
| **Unpaid pledges** | – |
| **Total fund balance as at 31 December 2017** | **1 202 439.88** |

5. Since the establishment of the Fund, 18 countries have made financial contributions to it. In 2017, Belgium, the Republic of Korea and Singapore contributed US$28,441.41, US$25,000 and US$5,000 respectively.

6. Since the Fund has not enjoyed a predictable pattern of income, substantial resources are systematically kept as a reserve for future activities; the secretariat of the Fund has approved all requests, in line with the Fund's terms of reference, to enable participation in the universal periodic review.

# III. Activities

## A. Travel to meetings

7. Under the terms of reference of the Fund, financial support is made available to developing countries, in particular least developed countries, to cover travel to Geneva by one official government representative in order to participate:

(a) In sessions of the Working Group on the Universal Periodic Review during which the representative's country is considered;

(b) In plenary sessions of the Human Rights Council during which the outcome of the review of the representative's country is adopted.

8. The Fund also provides for the travel of official representatives (one per delegation) of developing countries, in particular least developed countries, that are members of the Human Rights Council and do not have a permanent mission in Geneva, to act as rapporteurs (namely, as members of the troika).

9. In 2017, 15 of the 26 States that could have benefited from the travel assistance of the Fund requested financial assistance to participate in the sessions of the Working Group at which they were reviewed or in the Human Rights Council plenary sessions: Argentina, Benin, Brazil, Gabon, Guatemala, Indonesia, Peru, Republic of Moldova, Sri Lanka, Timor-Leste, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

10. Since March 2014, a more proactive approach through targeted correspondence has been implemented to encourage States to avail themselves of the support provided through the Fund. A few weeks prior to the session, the secretariat addresses correspondence to States that could benefit from the assistance of the Fund, indicating the first steps that need to be taken to request the assistance and setting out the main entitlements. Such a targeted approach has allowed States, in particular small island developing States and least developed countries without representation in Geneva and not very familiar with the human rights framework and machinery, to become more familiar with the Fund and to request support. In addition, the secretariat is ensuring, as much as possible, complementarity

between the support provided through the Fund and that provided through the fund for small island developing States and least developed countries.

11. In addition to covering travel costs, the Fund also provides for the payment of a daily subsistence allowance at the rate applicable to Geneva at the time of travel. Under the standing official provisions for such travel, a Government formally requesting such assistance would be advised of the official entitlements for travel and daily subsistence allowance in connection with the required itinerary, which would then be reimbursed upon completion of the trip and upon provision of the necessary supporting documentation. That arrangement, however, proved onerous for many requesting Governments, which were unable to submit the claims documenting the travels and were therefore not reimbursed. In an effort to address that issue, between the seventeenth session of the Working Group on the Universal Periodic Review (21 October–1 November 2013) and November 2015, the secretariat arranged to provide economy class tickets prior to travel and paid the daily subsistence allowance upon arrival in Geneva, thereby alleviating most of the difficulties associated with retroactive reimbursement of expenses.

12. In November 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with most of the United Nations Secretariat, started using Umoja, which has completely changed the way in which the Secretariat manages its administration, executes its work processes, conducts its business and manages its resources. The new system also implies some changes to the way travel arrangements are processed. Once a Government requests the assistance of the Fund, it is advised of the official entitlements for travel and daily subsistence allowance. OHCHR is required to make the necessary arrangements for the issuance and payment of the ticket in advance. The daily subsistence allowance is provided in two instalments, with 75 per cent of the total amount paid in advance, either by bank transfer or upon arrival in Geneva, and the remaining amount and terminal expenses disbursed after the completion of the mission on the basis of required documentation.

13. The direct ticketing does, however, require more advance planning since Governments are required to designate their delegate with sufficient lead time to enable the secretariat to make the travel arrangements and issue the ticket in accordance with the United Nations official travel policies. However, and unlike the practice until November 2015, in cases where such direct ticketing is not possible, the previous arrangement for retroactive reimbursement of travel expenses can no longer be provided. Undoubtedly, the fact that retroactive travel reimbursement is no longer an option under Umoja has had a substantial impact on the support provided to States.

14. Table 2 below shows the breakdown of financial assistance and annual expenditures, complete with the amount authorized, status of reimbursement and total commitments to date with regard to the financial assistance provided for the travel of government delegates to Geneva.

Table 2

**Expenditures for travel of government representatives to attend sessions of the Working Group on the Universal Periodic Review and plenary sessions of the Human Rights Council**

| *Year* | *Number of countries funded* | *Amount paid (United States dollars)* |
|---|---|---|
| 2008 | 6 | 16 885.00 |
| 2009 | 17 | 23 568.00 |
| 2010 | 23 | 39 942.00 |
| 2011 | 21 | 11 698.00 |
| 2012 | 3 | 11 295.00 |
| 2013 | 6 | 35 176.00 |
| 2014 | 15 | 53 939.00 |
| 2015 | 23 | 95 512.00 |

| *Year* | *Number of countries funded* | *Amount paid (United States dollars)* |
|---|---|---|
| 2016 | 26 | 82 300.25 |
| 2017 | 15 | 55 912.27 |
| **Total** | | **426 227.52** |

## B. Training

15. The terms of reference of the Fund allow the financing of briefings prior to the sessions of the Working Group on the Universal Periodic Review to assist countries in the preparatory process. These briefings usually consist of plenary segments and breakout group discussions during which the policies, procedures and modalities of the universal periodic review are examined, information is exchanged and good practices and lessons learned are discussed concerning the organization of national consultations, the setting up of interministerial coordination mechanisms (so-called national mechanisms for reporting and follow-up), the drafting of national reports and participation in the interactive dialogues held by the Working Group and the Human Rights Council in plenary session.

16. No regional briefings were held in 2017. However, provision was made for the Fund to support regional workshops for African countries (English-, French- and Portuguese-speaking) starting in April 2018. In addition, since May 2017 onwards, OHCHR has been organizing informal briefings during the sessions of the Working Group on the Universal Periodic Review for members of delegations participating in the review, especially those who have travelled from their capitals. The briefings, which are held in the first and second week of the sessions, have provided visiting delegations with an overview of follow-up processes and measures for the implementation of recommendations of human rights mechanisms, in particular the universal periodic review, in the light of existing good practices. The briefings have been positively received by Member States and will continue to be systematically offered to delegations during sessions of the Working Group on the Universal Periodic Review in the third universal periodic review cycle.

# IV. Conclusions

17. **During the reporting period, the Voluntary Trust Fund for Participation in the Universal Periodic Review continued to facilitate the participation of developing countries, in particular least developed countries, in the sessions of the Working Group on the Universal Periodic Review at which they were considered. Assistance was also provided to requesting States to enable them to participate in the adoption of their outcome document by the Human Rights Council during its plenary sessions. In that regard, the secretariat started following up with delegations through a more proactive approach, which included sending targeted correspondence, to ensure that all States entitled to assistance under the Voluntary Fund could avail themselves of the opportunity.**

18. **Since the inception of the universal periodic review and in recognition of the inherent related challenge of ensuring that participation is indeed universal, the needs and constraints of least developed countries have been considered. Ensuring the informed, regular and full participation of States with few resources and no representation in Geneva, in addition to all other States, requires regular outreach activities.**

19. **The secretariat has continued to support States, not only to participate in the reviews, but for the review to be understood as a full process, in particular at the national level, focusing on the implementation of recommendations made during the previous cycles. The briefings organized by OHCHR since May 2017 during the sessions of the Working Group on the Universal Periodic Review for members of delegations participating in the review of their countries contribute to this**

understanding. The briefings, like the universal periodic review in general, allow Member States to share their best practices regarding national implementation and follow-up processes.

20. As stated by the Secretary-General of the United Nations in his 2017 report on the work of the Organization (A/72/1, para. 98), the United Nations will provide better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.

21. The Secretary-General elaborated on this vision in his report on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/72/351), in which he explained that the increased focus on the follow-up and implementation of the recommendations from human rights mechanisms provided the United Nations system with an opportunity to engage with Member States. International cooperation, including through human rights mechanisms and their recommendations, provided an important basis for States to achieve greater results in both the implementation of the Sustainable Development Goals and human rights protection at the country level. Technical assistance in the field of human rights should be based on such recommendations and be provided in closer cooperation and partnership with Member States, regional human rights mechanisms, national human rights institutions, non-governmental organizations and the wider United Nations system.

22. The emphasis on implementation was also one of the key outcomes of the annual high-level panel discussion on human rights mainstreaming, held on 26 February 2018, during the thirty-seventh session of the Human Rights Council, pursuant to its resolution 16/21, which had as its theme "The promotion and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities". Participants in the panel discussion pointed out that the substantive issues raised in universal periodic reviews often mirrored the recommendations of other human rights mechanisms, forming a cross section of critical human rights gaps at the country level which, if addressed, would build more resilient societies and sustain development and peace. The panel identified the need for strong coordination of implementation efforts at the national level, through national mechanisms for reporting and follow-up. The role of national human rights institutions and non-governmental organizations at the national and international levels was emphasized, as well as the importance of non-retaliation for any form of cooperation with United Nations human rights mechanisms. Discussions also focused on the complementarity between the 2030 Agenda for Sustainable Development and the universal periodic review. The panel identified the review as a unique opportunity for States to ground national development programmes and policies in human rights, and to move forward the 2030 Agenda, supported by the United Nations system at the national level, under the leadership of the United Nations Resident Coordinator and the international donor community.

23. The Voluntary Trust Fund for Participation in the Universal Periodic Review is instrumental in ensuring the presence of many delegation members. It allows those members to be present at and to contribute to an interactive dialogue that is universal, independent, impartial and non-politicized, the quality of which contributes to recommendations that are constructive, specific, action-oriented and implementable, taking into account national capacities.

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# Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review

## Report of the Office of the United Nations High Commissioner for Human Rights

GE.18-06675(E)

*1806675*

Please recycle

# I. Introduction

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the Council requested the Secretariat to provide an annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and on the resources available to it. The report was prepared by the Secretariat in consultation with the Board of Trustees of the Fund. The report provides an overview of contributions and expenditure as at 31 December 2017, together with a description of action taken since the submission of the previous report (A/HRC/35/18) to operationalize the Fund. It also provides a description of the results achieved through the various activities funded by the Fund during 2017.

## Background

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a voluntary fund for financial and technical assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of the country concerned. In its resolution 16/21, the Council requested that the Voluntary Fund be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. The Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. The Voluntary Fund was established in 2009. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has begun to provide financial and technical assistance to States that have requested or consented to receiving such support, in the spirit of the founding resolution of the universal periodic review, in which it is stated that the objectives of the review include the improvement of the human rights situation on the ground (Human Rights Council resolution 5/1, annex, para. 4 (a)), the fulfilment of the State's human rights obligations and commitments (ibid., para. 4 (b)) and the enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned (ibid., para. 4 (c)).

# II. Operationalization of the Voluntary Fund

## A. Board of Trustees of the Voluntary Fund

4. The members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights also serve as the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. They are tasked with overseeing the management of the latter Fund. The members are Marieclaire Acosta Urquidi (Mexico), Lin Lim (Malaysia), Valeriya Lutkovska (Ukraine), Morten Kaerum (Denmark) and Esi Sutherland-Addy (Ghana). The Board elected Ms. Acosta Urquidi as Chair for the period from 1 June 2017 to 30 June 2018.

5. In close consultation with the various sections of OHCHR, the Board of Trustees focuses its attention on broadly guiding the operationalization of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review by providing policy advice.

6. The Board of Trustees undertook a field mission to the OHCHR Regional Office for the Middle East and North Africa Region in Beirut from 24 to 27 October 2017. At its eighth session, held in Beirut, the Board had strategic discussions with relevant OHCHR officers on follow-up support, which focused on identifying strategic options for OHCHR with regard to the provision of technical assistance and cooperation aimed at assisting

States to implement more effectively recommendations emanating from the universal periodic review and other international human rights mechanisms at the country level.

7. During the session, the Board of Trustees acknowledged the results achieved by its follow-up support strategy focusing on national follow-up mechanisms and processes at the country level. The Board strongly encouraged OHCHR to explore ways of providing more focused technical assistance and cooperation aimed at assisting States in implementing specific key human rights recommendations and in addressing specific issues, together with continuing support to States to establish and/or strengthen national mechanisms for reporting and follow-up.

## B. Strategic vision

8. As noted in previous reports (A/HRC/26/54, A/HRC/29/22, A/HRC/32/28 and A/HRC/35/18), OHCHR has been developing the capacity to provide increased support to States in their efforts to implement the outcome of the universal periodic review and other international human rights mechanisms. That effort has been anchored in a holistic and integrated approach that allows OHCHR to provide technical assistance and support, taking into account not only the recommendations of the universal periodic review but also those of the treaty bodies and the special procedures. Such an integrated approach gives States a significant opportunity to address the key human rights issues identified in recommendations made by international human rights mechanisms.

9. The third cycle of the universal periodic review has given OHCHR the opportunity to strengthen its engagement with all States in the follow-up to and implementation of recommendations made by international human rights mechanisms (in particular those emanating from the review) through cooperative efforts and the sharing of best practices among States and other stakeholders. The implementation of recommendations made during the review will strengthen national human rights protection systems, strengthen societal resilience and create an environment conducive to addressing the root causes of human rights violations, and therefore, have a preventive effect.

10. OHCHR has been making every effort to make its follow-up support more proactive, systematic and results-oriented. To that end, it has been engaging States in their efforts to implement the recommendations of international human rights mechanisms by providing support directly through its field presences or by ensuring the integration of support in United Nations country team programming on follow-up.

11. In the light of this proactive approach, OHCHR has encouraged States to implement the recommendations made by international human rights mechanisms more effectively, in particular those accepted by States in the context of the universal periodic review. To that end, the United Nations High Commissioner for Human Rights has systematically addressed letters to the Ministers of Foreign Affairs of the States reviewed, starting from the third cycle. In his letters, the High Commissioner identifies key thematic areas requiring the special attention of the Governments concerned over the next four and a half years, until the next review cycle. He also highlights the importance of establishing and/or strengthening a national mechanism for comprehensive follow-up and reporting with regard to international and regional human rights mechanisms and the State's treaty obligations.

12. The follow-up support given to States has been gathering momentum, in particular in the context of the Sustainable Development Goals. In his latest annual report on the work of the Organization (A/72/1), the Secretary-General pointed out that the universal periodic review process was entering a new cycle, and that efforts would be made to strengthen the relevance, precision and impact of the recommendations made by the Human Rights Council, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.

13. On 26 February 2018, at its thirty-seventh session, the Human Rights Council held its annual high-level panel discussion on human rights mainstreaming, on the promotion

and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities. The issues for discussion included, the importance of universal periodic review recommendations, which can serve as a key entry point for cooperation with and action by Governments, the United Nations system and the international community at large, including donors; contributing to international cooperation through the sharing of best practices; the critical role of coordination mechanisms in reporting and follow-up; strengthening coordination at the United Nations-level through the mainstreaming of human rights into United Nations country team and individual programmes, and planning and programming of agencies; and strengthening South-South and North-South cooperation and international donor coordination.

14. Participants in the panel discussion highlighted the fact that the substantive issues raised during the universal periodic review often mirrored the recommendations of other human rights mechanisms, forming a cross-section of critical gaps in human rights at the country level which, if addressed, would build more resilient societies and sustain development and peace. Panel members identified the need for strong coordination of implementation efforts at the national level by national reporting and follow-up mechanisms. The role of national human rights institutions and non-governmental organizations at the national and international levels was emphasized, as was the importance of non-retaliation for any form of cooperation with United Nations human rights mechanisms. Discussions also focused on the complementarity between the 2030 Agenda for Sustainable Development and the universal periodic review. The panel identified the review as a unique opportunity for States to ground their national development programmes and policies and to move the 2030 Agenda forward, supported by the United Nations system at the national level, under the leadership of the United Nations Resident Coordinator and the international donor community.

15. Accordingly, OHCHR has focused its support on establishing and/or strengthening national mechanisms and processes for follow-up. Key elements identified for more effective follow-up at the national level include a well-functioning inter-institutional body; an implementation action plan that clearly identifies achievable results and priorities; national government agencies responsible for implementation; and indicators and timelines against which to measure impact. OHCHR is also developing various follow-up tools that link the implementation of recommendations made by human rights mechanisms with the Sustainable Development Goals.

16. OHCHR has in addition received more direct requests from States to provide technical assistance to address key thematic human rights issues identified in the recommendations made by international human rights mechanisms as priority issues for implementation on the ground. Nonetheless, the actual number of direct requests received is still negligible.

17. In order to provide more effective support to States in implementing key priority recommendations of international human rights mechanisms, OHCHR will seek to ensure that universal periodic review outcomes are (a) fully integrated and mainstreamed into United Nations Development Assistance Frameworks, integrated strategic frameworks in peacekeeping missions, and national development action plans; (b) are used as a tool for conflict prevention and reduction. A thorough analysis of review outcomes, together with the work of other human rights mechanisms, such as the concluding observations of treaty bodies, the findings and recommendations of special procedures, and the findings of commission of inquiries mandated by the Human Rights Council, can provide an indication of where a potential conflict is likely, and of the measures that the international community should take to reduce conflict. OHCHR will also strive to provide technical assistance and cooperation to States with a view to integrating review outcomes fully into national frameworks and processes for the implementation of the Sustainable Development Goals.

18. Equally important, OHCHR will make every effort to ensure that the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review is better resourced, which will allow OHCHR to increase its technical assistance in building the capacities of States and other stakeholders, such as national human rights institutions and civil society organizations, to implement recommendations made by international human rights mechanisms in a holistic and integrated manner.

## III. Results achieved through the implementation of activities supported by the Voluntary Fund during 2017

19. In Barbados, the Voluntary Fund, with the assistance of a national human rights adviser, supported a follow-up activity to the regional workshop on the death penalty held in 2016. In addition, a human rights training workshop was held for government officials in Antigua and Barbuda in December 2017. Multiple training sessions were organized for government officials of the Barbados national mechanism for reporting and follow-up, on drafting the State's national report for the universal periodic review. Workshops for civil society organizations on drafting stakeholder submissions for the upcoming review of Barbados was also held. In addition, the national human rights adviser organized a two-day workshop on access to justice for LGBTI civil society organizations, in collaboration with the Eastern Caribbean Alliance for Diversity and Equality, and a two-day meeting on the death penalty, which included a public opinion survey and a sensitization seminar. The adviser also facilitated consultations between the Barbados national mechanism for reporting and follow-up and civil society organizations to assist in the drafting of the State report for the review.

20. OHCHR provided support in Trinidad and Tobago, Saint Vincent and Antigua with a view to increasing compliance and engagement with international human rights mechanisms both by the Governments of and civil society organizations in these States. Another objective of the support was to strengthen the capacity of civil society organizations to send communications to special procedures with regard to human rights violations in the region.

21. In Cambodia, OHCHR, with the help of the funding provided by the Voluntary Fund, supported a proposal aimed at building the capacity of three target groups. First, it provided support to civil society bodies to build their capacity to advocate draft laws, *prakas* (proclamations) or sub-decrees that may have an impact on the freedoms of assembly, association, expression and movement. Second, it provided support to build the capacity of subnational authorities to implement the Peaceful Demonstration Law and the 2015 Law on Associations and Non-Governmental Organizations (LANGO) in accordance with international standards of freedoms of expression, association and assembly. Third, it provided support to judges and prosecutors in order for them to apply international human rights law, in particular in the areas of pretrial detention and case management.

22. Despite serious impediments caused by the electoral context and the Government's crackdown on civil and political rights, OHCHR organized a legal symposium with the Ministry of Labour and Vocational Training and the International Trade Union Confederation, which brought together some 100 representatives of the Government, the International Labour Organization, the international community and other stakeholders. During the symposium, information was shared on the latest developments and challenges with regard to the national legal framework and enforcement mechanisms relating to the setting of the minimum wage and wage negotiations, trade union registration, collective bargaining and dispute resolution. OHCHR also carried out a series of capacity-building activities in order to raise awareness among non-governmental organizations, associations, trade unions and community-based activists from different sectors on the right to peaceful assembly under international human rights standards and relevant national legislation.

23. OHCHR conducted initial training and follow-up visits to assess the implementation of the pretrial detention form between 2014 and 2016. It found that the form was increasingly used by judges, with sound legal reasoning and clear duration of detention periods in some cases. At the same time, it noted that some judges were still reluctant to use the form, partly because they were unaware of how to reason their decisions. Accordingly, OHCHR organized a training session for 30 judges, including 2 women, to explain the new procedure once again and to analyse concrete examples of how reasoning was developed. OHCHR intends to follow up with these judges to assess the use of the new form, which reiterates the view that pretrial detention should only be used in exceptional cases, and allows the accused to challenge detention in compliance with international standards.

24. The three fundamental laws on the judiciary, adopted in 2014, establish, inter alia, a court administration office, which separates adjudicative work from administrative work. Court administration offices have been set up in each court throughout the country, and a head of office has been appointed to each one. The laws do not, however, provide clear guidance on the specific role, duties and responsibilities of each actor within the judiciary under the new system, which has led to general confusion. OHCHR therefore, jointly with the Supreme Council of the Magistracy, organized three meetings, which allowed 203 participants, including 10 women, to discuss some of the pending overall issues in the implementation of the new legal framework governing the judiciary. During the meetings, representatives of the Supreme Council and the Ministry of Justice provided guidance and answered questions. Issues requiring further analysis were followed up on by the Supreme Council of Magistracy, in close cooperation with the Ministry of Justice. This initiative is expected to lead to an increased and improved implementation of the three fundamental laws, a positive step towards the judicial reform process in Cambodia.

25. In the Dominican Republic, an independent assessment of the Office of the Ombudsman (*Defensor del Pueblo*) was initiated in February 2017 by OHCHR. In this regard, a number of activities were planned, including two workshops aimed at gathering relevant information and at raising awareness of Office personnel of their role and the need to comply with the Paris Principles.

26. Drawing on its own expertise and that of the national human rights institutions of Colombia and Costa Rica, OHCHR provided support to help to bring the Office of the Ombudsman into compliance with the Paris Principles. An independent capacity assessment was to be completed by March 2018, while preliminary observations and recommendations were already shared with the Office. Some of the recommendations, in particular those relating to the handling of complaints and thematic prioritization, have been gradually implemented.

27. In addition, the OHCHR human rights adviser provided advice, input and a comparative analysis of different pieces of legislation that were used to draft a new project to reform the law establishing the Office of the Ombudsman in 2001. The draft bill was presented by two Congress members in June 2017, and will be discussed in 2018. The bill is intended to harmonize the legal framework of the Office with the Constitution adopted in 2010 and to ensure compliance with the Paris Principles.

28. In Costa Rica, OHCHR provided technical assistance with the aim of strengthening internal management and coordination of the Inter-Institutional Commission for the Monitoring and Implementation of International Human Rights Obligations. It also aimed to strengthen the capacity both of members of the Commission and other public officials by means of a training course on building indicators using a human rights-based approach. The course was developed under the auspices of the OHCHR Central American Regional Office, and involved 32 State institutions and decentralized entities, targeting in particular officials responsible for planning and the development of indicators in their respective institutions. Recommendations of international human rights mechanisms were also disseminated by means of the website of the Ministry of Foreign Affairs and Worship.

29. In addition, a permanent consultation body with civil society was established on 4 December 2017. The establishment process was coordinated by the technical secretariat of the Inter-institutional Commission, the Office of the Ombudsman and the United Nations entities present in the State. The consultation body has registered 60 civil society organizations, whose work is to promote and protect human rights, particularly the rights of women, persons with disabilities, children, indigenous peoples, African descendants, migrants and refugees, trade unions, and LGBTIQ persons. The official dialogue process between the State and civil society organizations has commenced through the consultation body on issues related to international human rights obligations, particularly the reporting process to United Nations bodies.

30. In the Republic of Moldova, OHCHR, in an effort to strengthen the national normative and institutional anti-discrimination framework, made an instrumental contribution to a package of amendments to (a) civil legislation on the legal capacity of persons with disabilities, in order to align it with recommendations made in the context of

the universal periodic review and international human rights standards contained in the Convention on the Rights of Persons with Disabilities; (b) policy documents with regard to the system for the identification of disability, and deinstitutionalization reform; (c) strategic policy documents on minority rights; (d) drafts of the National Human Rights Action Plan and the 2030 National Development Strategy; and (e) the draft of the new health code and law on medicines. The recommendations made during the review of the Republic of Moldova have served as the basis for analysis and advice in this regard.

31. The capacity of the Office of the Ombudsman and the Equality Council were significantly increased by a number of training sessions and coaching on discrimination monitoring, public reporting and anti-discrimination law and policy analysis. For instance, in December 2017, the Office issued a first strategic report on an individual case of gross human rights violations (the Braguta case), which included an analysis of acts of discrimination.

32. OHCHR, with a view to increasing the capacity of stakeholders to advance minority rights, including the rights of Roma people, considerably strengthened several key platforms, such as the Minority Youth Group for Interethnic Solidarity and the National Association of Community Mediators, which in the space of a year developed to national prominence in their respective fields, namely in the defence of minority rights and Roma rights. In December 2017, the Government decided to allocate full funding for all envisaged positions of Roma community mediators, thereby implementing a recommendation often made in the context of the universal periodic review and by the Special Rapporteur on minority issues. Engagement on human rights with local public authorities in the Gagauzia, Taraclia and Basarabeasca regions by means of visits and training sessions laid the foundation for a platform designed to strengthen human rights work in these regions in 2018 and beyond.

33. In Paraguay, the human rights indicators of persons with disabilities of the national plan of action for the rights of persons with disabilities, formulated on the basis of the OHCHR methodology for human rights indicators and linked to the Sustainable Development Goals and targets, were approved in October 2017. In December 2017, with the technical support of OHCHR, the Subcommittee for the Preparation of the National Commission for the Rights of Persons with Disabilities Plan approved three phases to be incorporated into the Plan on follow-up by the State, monitoring by civil society and other actors, and evaluation by civil society and the State.

34. The capacity of persons with disabilities and their organizations was strengthened, particularly with regard to claiming their rights and monitoring the implementation of the Convention on the Rights of Persons with Disabilities. A number of training sessions and workshops were organized by OHCHR for civil society organizations, including new members of the National Commission for the Rights of Persons with Disabilities. In October 2017, members of civil society organizations and the National Commission, with the technical support of OHCHR, met with representatives of organizations for disabled persons to discuss and request their inputs with regard to the bill on an independent national mechanism for the human rights of persons with disabilities prior to the submission of the bill to Parliament.

35. In the framework of strengthening civil society for active participation in the implementation and monitoring of international human rights recommendations and the 2030 Agenda for Sustainable Development, the Forum on Human Rights and Sustainable Development was held on 1 December 2017 with the technical support of OHCHR and in conjunction with the Commission of the Sustainable Development Goals of Paraguay. On the same day, a new monitoring system for recommendations, SIMORE Plus, was presented. During the presentation, in which representatives of civil society organizations participated, a space for dialogue was sought among the stakeholders involved in the implementation and monitoring of the recommendations made by international human rights mechanisms and the Sustainable Development Goals.

# IV. Financial situation of the Voluntary Fund

Table 1

**Statement of income and expenditure for the period 1 January–31 December 2017**

(United States dollars)

| *I. Income* | |
|---|---|
| Voluntary contributions received in 2017 | 540 918 |
| Gain/loss on exchange | 16 449 |
| Pledges received | 100 000 |
| Government of the United Arab Emirates (unpaid) | |
| Interest and miscellaneous income | 12 768 |
| **Total income** | **670 135** |
| *II. Expenditure* | |
| Staff costs | 83 468 |
| Other personnel costs (consultants' fees and travel) | 108 929 |
| Staff travel | 10 556 |
| Travel of representatives/participants to meetings and seminars | 47 628 |
| Contractual services | 76 230 |
| General operating and other direct costs | 196 |
| Equipment, vehicles and furniture | - |
| Grants out (<$50,000) and fellowships | - |
| Programme support (indirect) costs | 42 511 |
| **Total expenditure** | **369 518** |
| Adjustments to prior year expenditure (liquidation of commitments) | 471 025 |
| Net excess (shortfall) of income over expenditures for the period | 771 642 |
| Opening balance 1 January 2017 | 776 269 |
| Other adjustments (prior period) | |
| Unpaid pledges | 100 000 |
| **Total fund balance as at 31 December 2017** | **1 447 911** |

Table 2

**Contributions to the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, from the establishment of the Fund to 31 December 2017**

(United States dollars)

| *Donor* | *Contribution* |
|---|---|
| **Year 2008/09** | |
| Colombia | 40 000 |
| Russian Federation | 450 000 |
| United Kingdom of Great Britain and Northern Ireland | 45 326 |
| **Biennium 2010–2011** | |
| Germany | 148 148 |
| Morocco | 500 000 |
| Russian Federation | 200 000 |
| United Kingdom of Great Britain and Northern Ireland | 133 707 |

| *Donor* | *Contribution* |
|---|---|
| **Biennium 2012–2013** | |
| Australia | 387 580 |
| Germany | 475 664 |
| Kazakhstan | 9 975 |
| Norway | 849 114 |
| **Biennium 2014–2015** | |
| Germany | 242 843 |
| Kazakhstan | 53 890 |
| Netherlands | 30 000 |
| Norway | 601 732 |
| Oman | 10 000 |
| **Biennium 2016–2017** | |
| France | 21 231 |
| Germany | 111 982 |
| Kazakhstan | 10 000 |
| Norway | 252 191 |
| Paraguay | 3 000 |
| Republic of Korea | 25 000 |
| Saudi Arabia | 75 000 |
| Spain | 58 962 |
| **Total contributions** | **4 735 345** |

36. Table 1 shows the detailed financial situation of the Voluntary Fund as at 31 December 2017 (statement of income and expenditure).

37. Since the establishment of the Voluntary Fund in 2009, 15 States have made financial contributions: Australia, Colombia, France, Germany, Kazakhstan, Morocco, the Netherlands, Norway, Oman, Paraguay, the Republic of Korea, the Russian Federation, Saudi Arabia, Spain and the United Kingdom of Great Britain and Northern Ireland. Table 2 provides an overview of all contributions received from the establishment of the Voluntary Fund to 31 December 2017.

38. It is expected that, given that the revitalized OHCHR strategic vision for follow-up support focuses on providing support to States in implementing key thematic priority recommendations in a holistic and integrated manner, the demand from States for financial support from the Voluntary Fund will continue and indeed increase. Hence, it is critical to extend the donor base of the Fund and to obtain additional funding in order to make a more sustained impact in providing technical assistance and support to States for more effective implementation of recommendations made by international human rights mechanisms at the State level. In this regard, the increase in both the amount of contributions and the number of donors during the 2016–2017 biennium is significant.

# V. Conclusions

39. **The primary responsibility for implementing the recommendations made by international human rights mechanisms rests with the State. Hence, securing the political will of States and enhancing their capacity to implement recommendations is vital to meeting the key objective of the universal periodic review, namely, improvement of the human rights situation on the ground.**

40. **As stated by the Secretary-General in his latest report on the work of the Organization (A/72/1), the United Nations will provide better support to Member**

States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.

41. This vision was further elaborated by the Secretary-General in his report on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/72/351), in which he explained that the increased focus on the follow-up to and implementation of recommendations made by human rights mechanisms provided the United Nations system with an opportunity to engage with Member States. International cooperation, including through human rights mechanisms and their recommendations, provided an important basis for States to achieve greater results in both the implementation of the Sustainable Development Goals and human rights protection at the country level. Technical assistance in the field of human rights should be based on such recommendations and be provided in closer cooperation and partnership with Member States, regional human rights mechanisms, national human rights institutions, non-governmental organizations and the wider United Nations system.

42. The emphasis on implementation was also one of the key outcomes of the annual high-level panel discussion on human rights mainstreaming, held on 26 February 2018 during the thirty-seventh session of the Human Rights Council, pursuant to its resolution 16/21, which had as its theme "The promotion and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities". During the panel discussion, participants pointed out that the substantive issues raised during the universal periodic review often mirrored the recommendations of other human rights mechanisms, forming a cross-section of critical human rights gaps at the country level which, if addressed, would build more resilient societies and sustain development and peace. The panel identified the need for strong coordination of implementation efforts at the national level through national mechanisms for reporting and follow-up. The role of national human rights institutions and non-governmental organizations at the national and international levels was emphasized, as was the importance of non-retaliation for any form of cooperation with United Nations human rights mechanisms. Discussions also focused on the complementarity between the 2030 Agenda for Sustainable Development and the universal periodic review. The panel identified the review as a unique opportunity for States to ground national development programmes and policies in human rights and to move the implementation of the 2030 Agenda forward, supported by the United Nations system at the national level, under the leadership of the United Nations Resident Coordinator and the international donor community.

43. OHCHR will continuously rethink and revitalize its strategic vision for follow-up support with the advice of the Board of Trustees of the Fund, in order to provide more effective support to States. It will therefore continue to (a) provide capacity-building to States to enable them to prepare more meaningful national reports on implementation through the provision of training for the government actors concerned; and (b) enable States to meet their commitments by supporting them in the implementation of key thematic priority recommendations. In this regard, OHCHR will continue to seek to integrate recommendations from international human rights mechanisms into the national planning processes; utilize international human rights recommendations for early warning/conflict prevention; and ensure that the recommendations become a crucial element in the implementation of the Sustainable Development Goals by integrating them into relevant national implementation frameworks and action plans.

44. The above approach fits within the wider approach of the Office to leverage international human rights mechanisms. OHCHR has prioritized United Nations human rights mechanisms as one of the key pillars in its strategic focus for the next four years, through the organizational management plan for 2018–2021. This will allow all parts of OHCHR to effectively deliver quality support to human rights

**mechanisms and to use and integrate consistently their output in all aspects of the Office's work.**

**45. OHCHR has focused its support on establishing and/or strengthening national follow-up mechanisms and processes, including for the establishment of standing State institutions, such as national mechanisms for reporting and follow-up. OHCHR will continue to support such mechanisms, while the Voluntary Fund will continue to support States in fulfilling their commitments to implement priority thematic human rights recommendations accepted during their universal periodic review and those from other international human rights mechanisms.**

**46. OHCHR will continue its efforts to share with States and other United Nations partners the tools available for integrating and mainstreaming the recommendations of international human rights mechanisms into their programmes, such as in United Nations development assistance frameworks and the national development action plans. It will provide States, on their request, with a database that will allow them to plan and monitor the progress of the implementation of recommendations made by international human rights mechanisms. OHCHR will also continue to document good practices that have emerged from the follow-up support process, and share them with States and other stakeholders.**

**47. In recognition of the close linkage of effective follow-up support to States to the implementation of the 2030 Agenda for Sustainable Development, OHCHR will continue to develop tools that not only enable States to implement the recommendations made by international human rights mechanisms and achieve the Sustainable Development Goals, but also help stake other stakeholders to monitor and track the implementation of recommendations and the Goals by States through the more effective use of the funds made available by the Voluntary Fund.**

**48. OHCHR once again emphasizes the importance of the active participation of other stakeholders in the follow-up process, a key factor in achieving sustained impact. It will therefore continue to explore ways and means by which stakeholders can benefit from the Voluntary Fund, either directly or indirectly, by becoming involved in the technical cooperation and assistance programmes of the States concerned to be assisted by the Fund.**

**49. While welcoming the recent slight increase in contributions to the Voluntary Fund, OHCHR reiterates its call for more contributions to be made. With further resources, the Fund will enable OHCHR to provide more effective support to States in implementing the recommendations of international human rights mechanisms.**